

LAYOFF MANUAL

<i>MAJOR AREA</i>	<i>SECTION NUMBER</i>
SERVICE AND SENIORITY COMPUTATIONS	600

This section explains another important mechanic of the layoff process: Service and Seniority Computations.

PRELIMINARY SENIORITY SCORES

An employee receives one point of seniority credit for each complete month of full-time State service, regardless of when, and in what classes, such service occurred. Less Than Full-Time Employees -- Credit for less than full-time employment is calculated by the Service and Seniority Unit at DPA. (Note: Bargaining Unit 6 provides that seniority consists only of time served within the Bargaining Unit. See each Bargaining Unit for specific seniority provisions.)

- Time served in all types of State appointments other than emergency appointments not immediately followed by a qualifying appointment is counted toward seniority.
- Prior exempt service is computed by the Service and Seniority Unit from data obtained and provided by the appointing power.
- Credit for intermittent time is computed by the Service and Seniority Unit from data posted to employment histories by the appointing power.

FINAL SENIORITY SCORES

DPA forwards the preliminary seniority scores to the appointing power, which finalizes the scores by adding any qualifying prior military service (maximum of 12 points) and by making any deletions (12 or 36 points) for performance shortcomings in professional, scientific, administrative, management, and executive classes.

PROCESS TO BREAK SENIORITY SCORE TIES

Professional, Scientific, Administrative, Management, or Executive Classes

Tie seniority scores between employees in these classes are broken first by current performance evaluations. If such a distinction cannot be made, the preferences applied to employees in other classes are used.

Other Classes

The following tie breakers are used:

- (1) veteran;
- (2) greatest amount of service in class of layoff, or in a class at substantially the same or higher salary level as the class of layoff;
- (3) employee in (2) who has served in the class that has the highest maximum salary rate;
- (4) earliest appointment date for service credit under the provisions of GC Section 19997.3;
- (5) highest total State service (DPA Rule 599.739);

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- (6) earliest appointment date under provisions of DPA Rule 599.739; and
(7) lottery.

Example:

- If two employees in the Staff Services Manager (SSM) I class in the area of layoff have the same score and one of them is a veteran, the veteran is considered the most senior.
- If neither is a veteran or both are veterans, the employee with the most total service in the SSM I class and other classes at the same or higher salary level as the SSM I is considered the most senior.
- If both employees have the same total service in the SSM I and other classes at the same or higher salary level as the SSM I, the employee who has served in the highest salaried class is considered the most senior.
- If both employees have served in the same highest salaried class, the employee with the earliest date of appointment to any class is considered the most senior.
- If both employees have the same initial date of appointment to any class, the employee who has the highest State service score is considered the most senior. Employees who were employed prior to 1969 could have service scores higher than their seniority scores.
- Due to changes in law regarding breaks in service, this tie breaker results in the same date as tie breaker (4).
- If the scores are still tied, some type of lottery system should be used to break the tie. Whatever system is used, it should be agreeable to all parties and safeguards employed so the system cannot be manipulated to favor one of the employees. (Example: Each employee could write his or her name on a slip of paper and place it in a container. An impartial person could then draw the name of the person to be considered most senior.)

**PERFORMANCE EVALUATIONS FOR PROFESSIONAL, SCIENTIFIC,
ADMINISTRATIVE, MANAGEMENT, OR EXECUTIVE CLASSES**

The deduction of 12 (Improvement Needed) or 36 (Unsatisfactory) points for performance only applies to the class of layoff. For example, presume that the class of layoff is Staff Services Manager II (Supervisory) and one incumbent, who has a seniority score of 186, has 36 points deducted for an Unsatisfactory rating on his performance evaluation. The resultant score of 150 is not high enough for him to "stick" in the class, and he demotes to the SSM I class. To determine if he will "stick" in this class, his original seniority score of 186 must be used.

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The following are the steps to be performed in the layoff process and next to each subject title indicates the responsible stakeholder that will perform the process:

IDENTIFY THE AREA OF LAYOFF

Appointing Power

The majority of layoffs are conducted on a statewide basis within an appointing power; however, there are times when subdivisional layoffs within an appointing power are more appropriate. The most common subdivisional layoff is by geographic location, though on rare occasions other subdivisional layoffs, such as organizational or functional may be appropriate. Specific criteria must be applied to determine if a statewide or subdivisional layoff is appropriate. In arriving at a final decision, an appointing power must weigh the disruptiveness and cost of a statewide layoff against the employees' opportunities to exercise their seniority rights in a layoff of lesser scope. A statewide layoff can be disruptive and expensive, because employees in one geographic location could "bump" employees in different geographic areas, who, in turn, might "bump" employees in other geographic areas.

Statewide

Statewide layoffs are appropriate for classes in which recruitment, testing, and hiring are done on a statewide basis; for which persons typically accept list appointments that require them to change their residences and in which movement between geographic areas routinely occurs.

Note: when the examination plan is statewide, but certifications and choices of appointment are limited to certain geographical or organizational areas, consideration should be given to a narrower area of layoff. The first decision is whether or not a north-south breakdown is logical. If such a breakdown is neither logical nor feasible, then an even narrower geographical or organizational area should be considered.

Geographic Subdivisional

Geographic layoffs may be by a particular facility, by county, or by region. A geographic layoff is appropriate if recruitment and hiring are done locally (persons do not change residences to accept appointments), and if employees typically spend their entire careers in the one location. Consideration may also be given to whether past practice has been to restrict layoffs to geographic subdivisions in the class or classes of layoff. Restricting a layoff to a geographic or other subdivision can result in an employee in that subdivision being laid off while a less senior employee in another area is not laid off.

Organizational or Function Subdivisional Layoff

These are very rare. They are appropriate if the subdivision is a function or project that is clearly distinct from other department operations; and/or the employee in the function or project were hired with the clear understanding that they would be employed only for the duration of the function or project.

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**IDENTIFY THE CLASSES AND EMPLOYEES OF LAYOFF
(GC SECTION 19997.6)**

Appointing Power

To identify the classes of layoff, determine the classes in which positions are to be abolished, and the classes that are to be included in the primary (including personal) and secondary demotional patterns for employees in these classes. Refer to Section 500 of this manual for sample demotional scenarios and demotional charts. The significance of designation as a primary or secondary pattern is that different reemployment list eligibility accrues. An employee may receive general, departmental and subdivisional reemployment list eligibility for a primary class and only departmental and subdivisional reemployment list eligibility for a secondary class.

- Classes established to meet goals of special employment and training programs are included in demotional patterns unless precluded by funding sources.
- A class whose minimum qualifications require a license, certificate, or special education requirement not required for the class of layoff should be included only in the demotional patterns of employees who possess the license, certificate, or special education.
- Employees in higher-salaried classes do not have automatic rights to demote to classes just because they have lower salaries. For example, an employee in a professional class would not have an automatic right to demote to a clerical class.
- An employee who demotes through several levels of classes in a demotional pattern, because his/her seniority score is too low to remain in them, receives reemployment list eligibility for each class he/she demotes through.
- An employee being laid off may select either the primary or secondary demotional pattern, regardless of whether or not vacancies exist in either pattern.

IDENTIFY THE IMPACTED EMPLOYEES

Appointing Power

This would be every employee who MAY be laid off or demoted in lieu of layoff so that all impacted classes or those that could be impacted are included from the area of layoff. This must be done so that personal patterns can be developed and employees can be identified and designated as having surplus status and State Restrictions of Appointments (SROA) status.

If an employee is given surplus status, the employee will be seeking his/her own job opportunities. After DPA's approval of the classes to be designated surplus, the SROA Unit will place the surplus classes on DPA's Web Page. Departments can use the site to determine if a class has surplus status. An entire department may be designated surplus when the layoff will be extensive and complex enough to warrant it. Since seniority scores have not been computed as yet, the layoff department may use the years of service which are used to determine their employees' vacation accrual rates as rough seniority scores. These scores can then be used to identify the employees who are actually in jeopardy of layoff/demotion in each class/area of layoff and to identify classes that should be given SROA status. The State Restriction of Appointments Policy and Procedure Manual describes the SROA Program in detail. This manual is located on DPA's web site.

REVIEW MOUs

Appointing Power

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The MOUs pertaining to the classes of layoff must be reviewed to ensure that all provisions pertaining to layoff are complied with.

ESTABLISH PRIMARY DEMOTIONAL PATTERNS

Appointing Power

These include lower level classes in the same series as the class of layoff. They also include personal demotional rights to classes at a lower level than, the same level as, or a higher level within transfer range of the class of layoff in which an employee previously served under permanent or probationary status. The first type of primary class (lower level class in the same series) applies to all incumbents of the class of layoff, but the second type (personal demotional rights) only applies to specific individuals (if any) in the layoff class (see Section 500 of this Manual).

- Only those classes that are used by the layoff department in the area of layoff may be included in demotional patterns.
- An employee receives general, departmental, and, if appropriate, subdivisional reemployment list eligibility for every class in the primary pattern (including personal demotional classes, if any) through which he/she demotes.

ESTABLISH SECONDARY DEMOTIONAL PATTERNS

Appointing Power

These include lower level classes whose primary duties and minimum qualifications are similar enough to those of the layoff class to give reasonable expectation of success by any of the employees within the layoff class, within a reasonable period of time.

- Include any class which requires the same license, certificate, or education as the layoff class; or is a normal source of recruitment for the layoff class; or shares a common source of recruitment with the layoff class.
- The selection of classes is not dependent on whether or not vacancies exist.
- Classes selected must be used in the area of layoff by the appointing power.

Refer to Section 500 of this Manual.

DEVELOP THE LAYOFF PLAN AND SUBMIT IT TO DPA

Appointing Power

The appointing power develops a "layoff plan" and submits the plan to DPA's POD analyst and a copy to DPA Labor Relations Division (LRD). Once the appointing power has completed the steps outlined above, these steps should be summarized on Form DPA 009 titled "Layoff Plan and Request for Preliminary Seniority Scores" (Attachment 1). This DPA 009 is the Layoff Plan that is submitted to DPA.

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DPA 009:

Section I – Background/Justification

- Describe the background/ justification for their request of a layoff, i.e., budget cut, legislation driven, elimination of functions, reorganizations, etc.
- Describe the justification for determining the Area of Layoff and the impact on the classes, i.e., statewide, geographical, organizational or functional.
- Indicate the projected layoff effective date.
- Describe any measures used to mitigate the layoff, i.e., elimination of vacant positions, hiring freeze, reduction of nonpermanent workforce, job sharing, transfers with the appointing power or transfers within the appointing power's agency; voluntary reduced work time, job sharing, partial service retirement, etc.

Section II – Preliminary Seniority Scores Request

This section requests preliminary seniority scores for impacted employees. Enter the class code and class title of each impacted class; the bargaining unit for each class; the total number of incumbents and the number designated surplus; and the area of layoff by county code and county.

Section III – Certifications by Requesting Department

- The requesting department must certify on the DPA 009 form that dates and hours of permanent intermittent employment have been posted to employees' work histories; prior exempt service data has been gathered and submitted to DPA; demotional charts are attached; and a list of classes with the total number of positions in the class and the total number of positions designated surplus/SROA is attached.

PROVIDE CONSULTATION/APPROVE LAYOFF PLAN

DPA

The DPA POD analyst provides staffing reduction consultation to the department and approves the "Layoff Plan" just described.

REQUEST FOR PRELIMINARY SENIORITY SCORES

Appointing Power

When the Layoff Plan is approved by the DPA POD analyst, the POD analyst will then route one copy of the approved DPA 009 form and demotional charts to DPA's Service and Seniority Unit, which will request the preliminary seniority scores from SCO.

See Section 600 of this Manual for information on Service and Seniority.